

Baer, H.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

KERRY ASHDOWN,)
)
Plaintiff,) Civil Action No. 13-cv-1374
) (HB)(GWG)
v.)
)
EQUINOX a/k/a)
EQUINOX FITNESS CLUB and incorporated as)
EQUINOX HOLDINGS, INC.,)
JOE MATARAZZO a/k/a JOSEPH MATARAZZO,)
MAURO MAIETTA,)
LAWRENCE SANDERS,)
MATT PLOTKIN a/k/a MATTHEW PLOTKIN, and)
MATT HERBERT a/k/a MATTHEW HERBERT,)
Defendants.)

~~PROPOSED ORDER~~

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DATE FILED: 07/03/2013

The motion of defendants Equinox Holdings, Inc. d/b/a Equinox Fitness Club, Joseph Matarazzo, Mauro Maietta, Lawrence Sanders, Matthew Plotkin, and Matthew Herbert, pursuant to Rule 12(b)(6) of the Federal Rules of the Civil Procedure, to dismiss (i) plaintiff's sixth, ninth, tenth, and eleventh causes of action in the Amended Complaint and (ii) all claims in plaintiff's Amended Complaint against defendants Joseph Matarazzo and Matthew Herbert is granted.

IT IS HEREBY ORDERED that (1) the sixth, ninth, tenth, and eleventh causes of action in plaintiff's Amended Complaint are dismissed with prejudice, (2) all claims against the individual defendants Joseph Matarazzo and Matthew Herbert are dismissed with prejudice, and (3) the caption is hereby amended to remove Mr. Matarazzo and Mr. Herbert as defendants and to read as follows:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KERRY ASHDOWN,
Plaintiff,

-against-

Civil Action No. 13-cv-1374
(HB)(GWG)

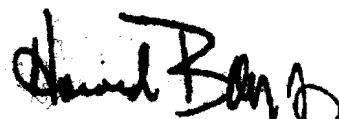
EQUINOX, *a/k/a*
EQUINOX FITNESS CLUB *and incorporated as*
EQUINOX HOLDINGS, INC.,
MAURO MAIETTA,
LAWRENCE SANDERS, and
MATT PLOTKIN *a/k/a* MATTHEW PLOTKIN,

Defendants.

-----X

July 3

Dated: ~~June 6~~, 2013
New York, New York



Harold Baer, Jr.
United States District Judge